

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 4, 16, 16.1, 17, 18, and 50 as follows:

6 (225 ILCS 25/4) (from Ch. 111, par. 2304)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4. Definitions. As used in this Act:

9 (a) "Department" means the Illinois Department of
10 Professional Regulation.

11 (b) "Director" means the Director of Professional
12 Regulation.

13 (c) "Board" means the Board of Dentistry established by
14 Section 6 of this Act.

15 (d) "Dentist" means a person who has received a general
16 license pursuant to paragraph (a) of Section 11 of this Act and
17 who may perform any intraoral and extraoral procedure required
18 in the practice of dentistry and to whom is reserved the
19 responsibilities specified in Section 17.

20 (e) "Dental hygienist" means a person who holds a license
21 under this Act to perform dental services as authorized by
22 Section 18.

23 (f) "Dental assistant" means an appropriately trained

1 person who, under the supervision of a dentist, provides dental
2 services as authorized by Section 17.

3 (g) "Dental laboratory" means a person, firm or corporation
4 which:

5 (i) engages in making, providing, repairing or
6 altering dental prosthetic appliances and other artificial
7 materials and devices which are returned to a dentist for
8 insertion into the human oral cavity or which come in
9 contact with its adjacent structures and tissues; and

10 (ii) utilizes or employs a dental technician to provide
11 such services; and

12 (iii) performs such functions only for a dentist or
13 dentists.

14 (h) "Supervision" means supervision of a dental hygienist
15 or a dental assistant requiring that a dentist authorize the
16 procedure, remain in the dental facility while the procedure is
17 performed, and approve the work performed by the dental
18 hygienist or dental assistant before dismissal of the patient,
19 but does not mean that the dentist must be present at all times
20 in the treatment room.

21 (i) "General supervision" means supervision of a dental
22 hygienist requiring that the patient be a patient of record,
23 that the dentist examine the patient in accordance with Section
24 18 prior to treatment by the dental hygienist, and that the
25 dentist authorize the procedures which are being carried out by
26 a notation in the patient's record, but not requiring that a

1 dentist be present when the authorized procedures are being
2 performed. The issuance of a prescription to a dental
3 laboratory by a dentist does not constitute general
4 supervision.

5 (j) "Public member" means a person who is not a health
6 professional. For purposes of board membership, any person with
7 a significant financial interest in a health service or
8 profession is not a public member.

9 (k) "Dentistry" means the healing art which is concerned
10 with the examination, diagnosis, treatment planning and care of
11 conditions within the human oral cavity and its adjacent
12 tissues and structures, as further specified in Section 17.

13 (l) "Branches of dentistry" means the various specialties
14 of dentistry which, for purposes of this Act, shall be limited
15 to the following: endodontics, oral and maxillofacial surgery,
16 orthodontics and dentofacial orthopedics, pediatric dentistry,
17 periodontics, prosthodontics, and oral and maxillofacial
18 radiology.

19 (m) "Specialist" means a dentist who has received a
20 specialty license pursuant to Section 11(b).

21 (n) "Dental technician" means a person who owns, operates
22 or is employed by a dental laboratory and engages in making,
23 providing, repairing or altering dental prosthetic appliances
24 and other artificial materials and devices which are returned
25 to a dentist for insertion into the human oral cavity or which
26 come in contact with its adjacent structures and tissues.

1 (o) "Impaired dentist" or "impaired dental hygienist"
2 means a dentist or dental hygienist who is unable to practice
3 with reasonable skill and safety because of a physical or
4 mental disability as evidenced by a written determination or
5 written consent based on clinical evidence, including
6 deterioration through the aging process, loss of motor skills,
7 abuse of drugs or alcohol, or a psychiatric disorder, of
8 sufficient degree to diminish the person's ability to deliver
9 competent patient care.

10 (p) "Nurse" means a registered professional nurse, a
11 certified registered nurse anesthetist licensed as an advanced
12 practice nurse, or a licensed practical nurse licensed under
13 the Nurse Practice Act.

14 (q) "Patient of record" means a patient for whom the
15 patient's most recent dentist has obtained a relevant medical
16 and dental history and on whom the dentist has performed an
17 examination and evaluated the condition to be treated.

18 (r) "Dental emergency responder" means a dentist or dental
19 hygienist who is appropriately certified in emergency medical
20 response, as defined by the Department of Public Health.

21 (s) "Mobile dental van or portable dental unit" means any
22 self-contained or portable dental unit in which dentistry is
23 practiced that can be moved, towed, or transported from one
24 location to another in order to establish a location where
25 dental services can be provided.

26 (Source: P.A. 94-409, eff. 12-31-05; 95-639, eff. 10-5-07.)

1 (225 ILCS 25/16) (from Ch. 111, par. 2316)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 16. Expiration, renewal and restoration of licenses.
4 The expiration date and renewal date for each license issued
5 under this Act shall be set by rule. The renewal period for
6 each license issued under this Act shall be 3 years. A dentist
7 or dental hygienist may renew a license during the month
8 preceding its expiration date by paying the required fee. A
9 dentist or dental hygienist shall provide proof of current
10 Basic Life Support (BLS) ~~cardiopulmonary resuscitation~~
11 certification by an organization that has adopted the American
12 Heart Association's guidelines on BLS intended for health care
13 providers at the time of renewal. Basic Life Support
14 ~~Cardiopulmonary resuscitation~~ certification training taken as
15 a requirement of this Section shall be counted for no more than
16 4 hours during each licensure period towards the continuing
17 education hours under Section 16.1 of this Act. The Department
18 shall provide by rule for exemptions from this requirement for
19 a dentist or dental hygienist with a physical disability that
20 would preclude him or her from performing BLS.

21 Any dentist or dental hygienist whose license has expired
22 or whose license is on inactive status may have his license
23 restored at any time within 5 years after the expiration
24 thereof, upon payment of the required fee and a showing of
25 proof of compliance with current continuing education

1 requirements, as provided by rule.

2 Any person whose license has been expired for more than 5
3 years or who has had his license on inactive status for more
4 than 5 years may have his license restored by making
5 application to the Department and filing proof acceptable to
6 the Department of taking continuing education and of his
7 fitness to have the license restored, including sworn evidence
8 certifying to active practice in another jurisdiction, and by
9 paying the required restoration fee. A person practicing on an
10 expired license is deemed to be practicing without a license.
11 However, a holder of a license may renew the license within 90
12 days after its expiration by complying with the requirements
13 for renewal and payment of an additional fee. A license renewal
14 within 90 days after expiration shall be effective
15 retroactively to the expiration date.

16 If a person whose license has expired or who has had his
17 license on inactive status for more than 5 years has not
18 maintained an active practice satisfactory to the department,
19 the Department shall determine, by an evaluation process
20 established by rule, his or her fitness to resume active status
21 and may require the person to complete a period of evaluated
22 clinical experience and may require successful completion of a
23 practical examination.

24 However, any person whose license has expired while he has
25 been engaged (1) in federal or state service active duty, or
26 (2) in training or education under the supervision of the

1 United States preliminary to induction into the military
2 service, may have his license restored without paying any
3 lapsed renewal or restoration fee, if within 2 years after
4 termination of such service, training or education other than
5 by dishonorable discharge, he furnishes the Department with
6 satisfactory proof that he has been so engaged and that his
7 service, training or education has been so terminated.

8 (Source: P.A. 96-617, eff. 8-24-09.)

9 (225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 16.1. Continuing education. The Department shall
12 promulgate rules of continuing education for persons licensed
13 under this Act. In establishing rules, the Department shall
14 require a minimum of 48 hours of study in approved courses for
15 dentists during each 3-year licensing period and a minimum of
16 36 hours of study in approved courses for dental hygienists
17 during each 3-year licensing period.

18 The Department shall approve only courses that are relevant
19 to the treatment and care of patients, including, but not
20 limited to, clinical courses in dentistry and dental hygiene
21 and nonclinical courses such as patient management, legal and
22 ethical responsibilities, and stress management. The
23 Department shall allow up to 4 hours of continuing education
24 credit hours per license renewal period for volunteer hours
25 spent providing clinical services at, or sponsored by, a

1 nonprofit community clinic, local or state health department,
2 or a charity event. Courses shall not be approved in such
3 subjects as estate and financial planning, investments, or
4 personal health. Approved courses may include, but shall not be
5 limited to, courses that are offered or sponsored by approved
6 colleges, universities, and hospitals and by recognized
7 national, State, and local dental and dental hygiene
8 organizations.

9 No license shall be renewed unless the renewal application
10 is accompanied by an affidavit indicating that the applicant
11 has completed the required minimum number of hours of
12 continuing education in approved courses as required by this
13 Section. The affidavit shall not require a listing of courses.
14 The affidavit shall be a prima facie evidence that the
15 applicant has obtained the minimum number of required
16 continuing education hours in approved courses. The Department
17 shall not be obligated to conduct random audits or otherwise
18 independently verify that an applicant has met the continuing
19 education requirement. The Department, however, may not
20 conduct random audits of more than 10% of the licensed dentists
21 and dental hygienists in any one licensing cycle to verify
22 compliance with continuing education requirements. If the
23 Department, however, receives a complaint that a licensee has
24 not completed the required continuing education or if the
25 Department is investigating another alleged violation of this
26 Act by a licensee, the Department may demand and shall be

1 entitled to receive evidence from any licensee of completion of
2 required continuing education courses for the most recently
3 completed 3-year licensing period. Evidence of continuing
4 education may include, but is not limited to, canceled checks,
5 official verification forms of attendance, and continuing
6 education recording forms, that demonstrate a reasonable
7 record of attendance. The Illinois State Board of Dentistry
8 shall determine, in accordance with rules adopted by the
9 Department, whether a licensee or applicant has met the
10 continuing education requirements. Any dentist who holds more
11 than one license under this Act shall be required to complete
12 only the minimum number of hours of continuing education
13 required for renewal of a single license. The Department may
14 provide exemptions from continuing education requirements. The
15 exemptions shall include, but shall not be limited to, dentists
16 and dental hygienists who agree not to practice within the
17 State during the licensing period because they are retired from
18 practice.

19 (Source: P.A. 94-409, eff. 12-31-05.)

20 (225 ILCS 25/17) (from Ch. 111, par. 2317)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 17. Acts Constituting the Practice of Dentistry. A
23 person practices dentistry, within the meaning of this Act:

24 (1) Who represents himself as being able to diagnose or
25 diagnoses, treats, prescribes, or operates for any

1 disease, pain, deformity, deficiency, injury, or physical
2 condition of the human tooth, teeth, alveolar process, gums
3 or jaw; or

4 (2) Who is a manager, proprietor, operator or conductor
5 of a business where dental operations are performed; or

6 (3) Who performs dental operations of any kind; or

7 (4) Who uses an X-Ray machine or X-Ray films for dental
8 diagnostic purposes; or

9 (5) Who extracts a human tooth or teeth, or corrects or
10 attempts to correct malpositions of the human teeth or
11 jaws; or

12 (6) Who offers or undertakes, by any means or method,
13 to diagnose, treat or remove stains, calculus, and bonding
14 materials from human teeth or jaws; or

15 (7) Who uses or administers local or general
16 anesthetics in the treatment of dental or oral diseases or
17 in any preparation incident to a dental operation of any
18 kind or character; or

19 (8) Who takes impressions of the human tooth, teeth, or
20 jaws or performs any phase of any operation incident to the
21 replacement of a part of a tooth, a tooth, teeth or
22 associated tissues by means of a filling, crown, a bridge,
23 a denture or other appliance; or

24 (9) Who offers to furnish, supply, construct,
25 reproduce or repair, or who furnishes, supplies,
26 constructs, reproduces or repairs, prosthetic dentures,

1 bridges or other substitutes for natural teeth, to the user
2 or prospective user thereof; or

3 (10) Who instructs students on clinical matters or
4 performs any clinical operation included in the curricula
5 of recognized dental schools and colleges; or

6 (11) Who takes impressions of human teeth or places his
7 or her hands in the mouth of any person for the purpose of
8 applying teeth whitening materials, or who takes
9 impressions of human teeth or places his or her hands in
10 the mouth of any person for the purpose of assisting in the
11 application of teeth whitening materials. A person does not
12 practice dentistry when he or she discloses to the consumer
13 that he or she is not licensed as a dentist under this Act
14 and (i) discusses the use of teeth whitening materials with
15 a consumer purchasing these materials; (ii) provides
16 instruction on the use of teeth whitening materials with a
17 consumer purchasing these materials; or (iii) provides
18 appropriate equipment on-site to the consumer for the
19 consumer to self-apply teeth whitening materials.

20 The fact that any person engages in or performs, or offers
21 to engage in or perform, any of the practices, acts, or
22 operations set forth in this Section, shall be prima facie
23 evidence that such person is engaged in the practice of
24 dentistry.

25 The following practices, acts, and operations, however,
26 are exempt from the operation of this Act:

1 (a) The rendering of dental relief in emergency cases
2 in the practice of his or her profession by a physician or
3 surgeon, licensed as such under the laws of this State,
4 unless he undertakes to reproduce or reproduces lost parts
5 of the human teeth in the mouth or to restore or replace
6 lost or missing teeth in the mouth; or

7 (b) The practice of dentistry in the discharge of their
8 official duties by dentists in any branch of the Armed
9 Services of the United States, the United States Public
10 Health Service, or the United States Veterans
11 Administration; or

12 (c) The practice of dentistry by students in their
13 course of study in dental schools or colleges approved by
14 the Department, when acting under the direction and
15 supervision of dentists acting as instructors; or

16 (d) The practice of dentistry by clinical instructors
17 in the course of their teaching duties in dental schools or
18 colleges approved by the Department:

19 (i) when acting under the direction and
20 supervision of dentists, provided that such clinical
21 instructors have instructed continuously in this State
22 since January 1, 1986; or

23 (ii) when holding the rank of full professor at
24 such approved dental school or college and possessing a
25 current valid license or authorization to practice
26 dentistry in another country; or

1 (e) The practice of dentistry by licensed dentists of
2 other states or countries at meetings of the Illinois State
3 Dental Society or component parts thereof, alumni meetings
4 of dental colleges, or any other like dental organizations,
5 while appearing as clinicians; or

6 (f) The use of X-Ray machines for exposing X-Ray films
7 of dental or oral tissues by dental hygienists or dental
8 assistants; or

9 (g) The performance of any dental service by a dental
10 assistant, if such service is performed under the
11 supervision and full responsibility of a dentist.

12 For purposes of this paragraph (g), "dental service" is
13 defined to mean any intraoral procedure or act which shall
14 be prescribed by rule or regulation of the Department.
15 Dental service, however, shall not include:

16 (1) Any and all diagnosis of or prescription for
17 treatment of disease, pain, deformity, deficiency,
18 injury or physical condition of the human teeth or
19 jaws, or adjacent structures.

20 (2) Removal of, or restoration of, or addition to
21 the hard or soft tissues of the oral cavity, except for
22 the placing, carving, and finishing of amalgam
23 restorations by dental assistants who have had
24 additional formal education and certification as
25 determined by the Department.

26 (3) Any and all correction of malformation of teeth

1 or of the jaws.

2 (4) Administration of anesthetics, except for
3 application of topical anesthetics and monitoring of
4 nitrous oxide. Monitoring of nitrous oxide may be
5 performed after successful completion of a training
6 program approved by the Department.

7 (5) Removal of calculus from human teeth.

8 (6) Taking of impressions for the fabrication of
9 prosthetic appliances, crowns, bridges, inlays,
10 onlays, or other restorative or replacement dentistry.

11 (7) The operative procedure of dental hygiene
12 consisting of oral prophylactic procedures, except for
13 coronal polishing, which may be performed by a dental
14 assistant who has successfully completed a training
15 program approved by the Department. Dental assistants
16 may perform coronal polishing under the following
17 circumstances: (i) the coronal polishing shall be
18 limited to polishing the clinical crown of the tooth
19 and existing restorations, supragingivally; (ii) the
20 dental assistant performing the coronal polishing
21 shall be limited to the use of rotary instruments using
22 a rubber cup or brush polishing method (air polishing
23 is not permitted); and (iii) the supervising dentist
24 shall not supervise more than 4 dental assistants at
25 any one time for the task of coronal polishing.

26 (h) The practice of dentistry by an individual who:

1 (i) has applied in writing to the Department, in
2 form and substance satisfactory to the Department, for
3 a general dental license and has complied with all
4 provisions of Section 9 of this Act, except for the
5 passage of the examination specified in subsection
6 (e), of Section 9, of this Act; or

7 (ii) has applied in writing to the Department, in
8 form and substance satisfactory to the Department, for
9 a temporary dental license and has complied with all
10 provisions of subsection (c), of Section 11, of this
11 Act; and

12 (iii) has been accepted or appointed for specialty
13 or residency training by a hospital situated in this
14 State; or

15 (iv) has been accepted or appointed for specialty
16 training in an approved dental program situated in this
17 State; or

18 (v) has been accepted or appointed for specialty
19 training in a dental public health agency situated in
20 this State.

21 The applicant shall be permitted to practice dentistry
22 for a period of 3 months from the starting date of the
23 program, unless authorized in writing by the Department to
24 continue such practice for a period specified in writing by
25 the Department.

26 The applicant shall only be entitled to perform such

1 acts as may be prescribed by and incidental to their
2 program of residency or specialty training and shall not
3 otherwise engage in the practice of dentistry in this
4 State.

5 The authority to practice shall terminate immediately
6 upon:

7 (1) the decision of the Department that the
8 applicant has failed the examination; or

9 (2) denial of licensure by the Department; or

10 (3) withdrawal of the application.

11 (Source: P.A. 96-617, eff. 8-24-09.)

12 (225 ILCS 25/18) (from Ch. 111, par. 2318)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 18. Acts constituting the practice of dental hygiene;
15 limitations.

16 (a) A person practices dental hygiene within the meaning of
17 this Act when he or she performs the following acts under the
18 supervision of a dentist:

19 (i) the operative procedure of dental hygiene,
20 consisting of oral prophylactic procedures;

21 (ii) the exposure and processing of X-Ray films of
22 the teeth and surrounding structures;

23 (iii) the application to the surfaces of the teeth
24 or gums of chemical compounds designed to be
25 desensitizing agents or effective agents in the

1 prevention of dental caries or periodontal disease;

2 (iv) all services which may be performed by a
3 dental assistant as specified by rule pursuant to
4 Section 17, and a dental hygienist may engage in the
5 placing, carving, and finishing of amalgam
6 restorations only after obtaining formal education and
7 certification as determined by the Department;

8 (v) administration and monitoring of nitrous oxide
9 upon successful completion of a training program
10 approved by the Department;

11 (vi) administration of local anesthetics upon
12 successful completion of a training program approved
13 by the Department; and

14 (vii) such other procedures and acts as shall be
15 prescribed by rule or regulation of the Department.

16 (b) A dental hygienist may be employed or engaged only:

17 (1) by a dentist;

18 (2) by a federal, State, county, or municipal agency or
19 institution;

20 (3) by a public or private school; or

21 (4) by a public clinic operating under the direction of
22 a hospital or federal, State, county, municipal, or other
23 public agency or institution.

24 (c) When employed or engaged in the office of a dentist, a
25 dental hygienist may perform, under general supervision, those
26 procedures found in items (i) through (iv) of subsection (a) of

1 this Section, provided the patient has been examined by the
2 dentist within one year of the provision of dental hygiene
3 services, the dentist has approved the dental hygiene services
4 by a notation in the patient's record and the patient has been
5 notified that the dentist may be out of the office during the
6 provision of dental hygiene services.

7 (d) If a patient of record is unable to travel to a dental
8 office because of illness, infirmity, or imprisonment, a dental
9 hygienist may perform, under the general supervision of a
10 dentist, those procedures found in items (i) through (iv) of
11 subsection (a) of this Section, provided the patient is located
12 in a long-term care facility licensed by the State of Illinois,
13 a mental health or developmental disability facility, or a
14 State or federal prison. The dentist shall personally examine
15 and diagnose the patient and determine which services are
16 necessary to be performed, which shall be contained in an order
17 to the hygienist and a notation in the patient's record. Such
18 order must be implemented within 120 days of its issuance, and
19 an updated medical history and observation of oral conditions
20 must be performed by the hygienist immediately prior to
21 beginning the procedures to ensure that the patient's health
22 has not changed in any manner to warrant a reexamination by the
23 dentist.

24 (e) School-based oral health care, consisting of and
25 limited to oral prophylactic procedures, sealants, and
26 fluoride treatments, may be provided by a dental hygienist

1 under the general supervision of a dentist. A dental hygienist
2 may not provide other dental hygiene treatment in a
3 school-based setting, including but not limited to
4 administration or monitoring of nitrous oxide or
5 administration of local anesthetics. The school-based
6 procedures may be performed provided the patient is located at
7 a public or private school and the program is being conducted
8 by a State, county or local public health department initiative
9 or in conjunction with a dental school or dental hygiene
10 program. The dentist shall personally examine and diagnose the
11 patient and determine which services are necessary to be
12 performed, which shall be contained in an order to the
13 hygienist and a notation in the patient's record. Any such
14 order for sealants must be implemented within 120 days after
15 its issuance. Any such order for oral prophylactic procedures
16 or fluoride treatments must be implemented within 180 days
17 after its issuance. An updated medical history and observation
18 of oral conditions must be performed by the hygienist
19 immediately prior to beginning the procedures to ensure that
20 the patient's health has not changed in any manner to warrant a
21 reexamination by the dentist.

22 (f) Without the supervision of a dentist, a dental
23 hygienist may perform dental health education functions and may
24 record case histories and oral conditions observed.

25 (g) The number of dental hygienists practicing in a dental
26 office shall not exceed, at any one time, 4 times the number of

1 dentists practicing in the office at the time.

2 (Source: P.A. 93-113, eff. 1-1-04; 93-821, eff. 7-28-04.)

3 (225 ILCS 25/50) (from Ch. 111, par. 2350)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 50. Patient Records. Every dentist shall make a record
6 of all dental work performed for each patient. The record shall
7 be made in a manner and in sufficient detail that it may be
8 used for identification purposes.

9 Dental records required by this Section shall be maintained
10 for 10 years. Dental records required to be maintained under
11 this Section, or copies of those dental records, shall be made
12 available upon request to the patient or the patient's
13 guardian. A dentist shall be entitled to reasonable
14 reimbursement for the cost of reproducing these records, which
15 shall not exceed the cost allowed under Section 8-2003 of the
16 Code of Civil Procedure. A dentist providing services through a
17 mobile dental van or portable dental unit shall provide to the
18 patient or the patient's parent or guardian, in writing, the
19 dentist's name, license number, address, and information on how
20 the patient or the patient's parent or guardian may obtain the
21 patient's dental records, as provided by law.

22 (Source: P.A. 94-409, eff. 12-31-05.)

23 Section 99. Effective date. This Act takes effect January
24 1, 2012.